



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

RUSSELL J. APFEL

Serial No.: 10/068, ~~780~~ 780

Filed: FEBRUARY 06, 2002

For: CURRENT SENSING ECHO  
CANCELLATION DEVICE

Group Art Unit: 2643

Examiner: TUAN PHAM

Conf. No.: 7591

Atty. Dkt.: 2069.009200/TT3782

CUSTOMER NO.: 23720

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JUL 21 2006

OFFICE OF PETITIONS

**PETITION TO THE COMMISSIONER UNDER 37 C. F. R. §1.181(A) TO  
WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE RESPONSE TO  
OFFICE ACTION DATED JUNE 13, 2005**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING  
37 C.F.R 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date below:

7-14-06

Date

*Nancy Nelson*  
Signature

Sir:

Pursuant to 37 C. F. R. §1.181(a), Applicants respectfully take this Petition to the Commissioner to Withdraw Holding of Abandonment Based on Failure to Receive the Response to Office Action dated June 13, 2005, which was timely fax filed with the U.S. Patent Office Central Fax Number on September 12, 2005.

No Notice of Abandonment has been received, however, this request is timely filed within the period from which the Applicants learned of the abandonment provided for making such Petition pursuant to 37 C. F. R. §1.181(f).

Applicants believe that no fee is required for the Petition, however, should any fees under 37 C. F. R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the

Commissioner is hereby authorized to deduct said fees from Williams, Morgan & Amerson, P.C., Deposit Account No. 50-0786/2069.009200.

### **REMARKS**

Applicants timely filed a Response to Office Action mailed June 13, 2005 (the "Response"), via facsimile with the U.S. Patent Office on September 12, 2005. Attached for the Office's convenience are copies of the originally filed Response and the Auto-Reply Facsimile Transmission Confirmation from the USPTO. Upon inquiring on the status of the application in a telephone conversation with Examiner Tuan A. Pham, the undersigned's assistant was informed that the Response had not been received and was not on the Examiner's docket, nor had it been scanned into PAIR. Mr. Pham suggested that we contact Mr. Curtis Kuntz, his supervisor. Mr. Kuntz suggested that a copy of the Response, along with a copy of the Auto-Reply Facsimile Confirmation received from the PTO, be re-faxed to his attention, which Applicant's representative complied with.

The undersigned's assistant followed up again with Examiner Pham and was again told that the Response was still not on his docket and referred her to Krista Gele at the Office of Petitions. On a telephone conversation with Ms. Gele, the undersigned's assistant was notified that the application is now abandoned due to non-response to the Office Action dated June 13, 2006.

Applicants hereby file this Petition to Withdraw Holding of Abandonment pursuant to 37 C. F. R. §1.181(A) and request that the abandonment be withdrawn and this application be reinstated.

### CONCLUSION

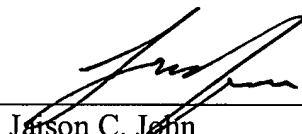
In summary, Applicants' representatives have acted diligently in responding to the Office Action dated June 13, 2005 by timely filing a Response on September 12, 2005, within the shortened statutory response date of three months. A Notice of Abandonment has not been received by Applicants. However, Applicants have timely filed the present Petition to Withdraw Holding of Abandonment setting forth the required information. As such, Applicants have provided the required accompanying statements by the practitioners, and now respectfully request that the Petition to Withdraw Holding of Abandonment Based on Failure to Receive a Response to Office Action dated June 13, 2005, be summarily granted and the application be reinstated.

**The Office is invited to contact the undersigned at (713) 934-4069** with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

Date:

7/14/06



Jason C. John  
Reg. No. 50,737  
WILLIAMS, MORGAN & AMERSON  
Customer ID No. 23720  
10333 Richmond Dr., Suite 1100  
Houston, Texas 77042  
(713) 934-4069  
(713) 934-7011 (facsimile)

ATTORNEY FOR APPLICANTS

10/068,780

**COPY**  
RECEIVED**WILLIAMS, MORGAN & AMERSON, P.C.** JUL 21 200610333 Richmond Drive, Suite 1100, Houston, Texas 77042 OFFICE OF PETITIONS  
phone: 713-934-7000 fax: 713-934-7011

## FACSIMILE TRANSMITTAL SHEET

**GROUP ART UNIT 2643**

DATE: MARCH 21, 2006

TO: U.S. PATENT OFFICE TOTAL NO. OF PAGES INCLUDING  
ATTN: EXAMINER CURTIS KUNTZ COVER: 24

FAX: (571) 273-7399 PHONE: (713) 934-4097

FROM: NANCY NOLAN  
ASSISTANT TO JAISON C. JOHN  
REG. NO. 50,737RE: RESPONSE TO OFFICE ACTION FILE:  
MAILED JUNE 13, 2005 2069.009200/TT3782☐ URGENT ☒ FOR REVIEW ☐ PLEASE FILE ☒ PLEASE REPLY ☒ PLEASE HANDLEORIGINAL: ☐ WILL FOLLOW ☒ WILL NOT FOLLOW

Mr. Kuntz:

Thank you for your return phone call today. Per your instructions, I am forwarding a copy of (1) the Response to Office Action dated June 13, 2005, (2) copy of facsimile coversheet; and (3) a copy of the Auto-Reply Facsimile Transmission from the PTO indicating receipt of the faxed response on September 12, 2005. In checking PAIR and in conversation with Examiner Tuan Pham, we discovered that this response, although received at the PTO on 9/12/05, has not been entered or processed. As you can see, we filed the response on time. Please acknowledge receipt and docketing of the attached Response to Office Action by return facsimile to (713) 934-7011 or by return email at [nnolan@wmalaw.com](mailto:nnolan@wmalaw.com) or by phone at (713) 934-4097, whichever is convenient for you.

Thank you for your prompt attention to this matter.

NANCY NOLAN

*Nancy Nolan*  
**CONFIDENTIALITY NOTE**

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03/21/2006 13:32 WMA → 15712737399

NO. 436 001

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## Auto-Reply Facsimile Transmission

10/068,780

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TO:

Fax Sender at 7139347011

Fax Information

Date Received:

9/12/2005 6:01:09 PM [Eastern Daylight Time]

Total Pages:

22 (including cover page)

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09/12/2005 16:56 NMA - 15712738300		NO. 766 D01	
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FACSIMILE TRANSMITTAL SHEET			
DATE: SEPTEMBER 12, 2005			
TO: GROUP ART UNIT 2843		TOTAL NO. OF PAGES INCLUDING COVER: 22	
FAX: (571) 273-8300		PHONE:	
FROM: JAISON JOHN			
RE: RESPONSE TO OFFICE ACTION		FILE: 2009.009200/TT3782	
MAILED JUNE 13, 2005			
<input type="checkbox"/> URGENT <input checked="" type="checkbox"/> FOR REVIEW <input type="checkbox"/> PLEASE YOUR FILE <input checked="" type="checkbox"/> PLEASE REPLY <input checked="" type="checkbox"/> PLEASE HANDLE			
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NOTES/COMMENTS			
JAISON C. JOHN (713) 934-4069 FAX: (713) 934-7011 EMAIL: JJOHN@WMALAW.COM			
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PAGE 1/22 * RCVD AT 9/12/2005 6:01:09 PM [Eastern Daylight Time] * SYR:USPTO-EFAXF-6133 * DNIS:2738300 * CSID:7139347011 * DURATION (mm:ss):04:50			

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09/12	04'47"	USPTO	CALLING	22	OK 0000

09/12/2005 16:56 WMA → 15712738300

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DATE: SEPTEMBER 12, 2005

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NOTES/COMMENTS:

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